

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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TONY R. MURPHY, CLERK  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

ODEN METRO TURFING, INC.

\* CIVIL ACTION NO. 12-1547

VERSUS

\* JUDGE STAGG

CONTINENTAL CASUALTY  
COMPANY

\* MAG. JUDGE KAREN L. HAYES

**J U D G M E N T**

The Report and Recommendation of the Magistrate Judge having been considered, together with the written objections thereto filed with this Court, and, after a *de novo* review of the record, finding that the Magistrate Judge's Report and Recommendation is correct,

IT IS ORDERED that the 12(b)(1) Motion to Dismiss for Lack of Capacity and Subject Matter Jurisdiction [doc. # 3] filed by Defendant, Continental Casualty Company is hereby **DENIED**. The undersigned notes that the defendant may re-urge the defense of lack of subject matter jurisdiction and the district court has the "authority to inquire at any time whether the conditions under which it may exercise its jurisdiction have been met." See Peacock v. U.S., 597 F.3d 654, 660 (5th Cir. 2010).

IT IS FURTHER ORDERED that the 12(b)(3) Motion to Dismiss for Improper Venue [doc. # 3] filed by Defendant, Continental Casualty Company is hereby **GRANTED**, and that the above-captioned cause be TRANSFERRED to the United States District Court for the Eastern District of Texas, Tyler Division.

THUS DONE AND SIGNED this 1<sup>st</sup> day of November, 2012,  
Shreveport, Louisiana.

  
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TOM STAGG  
UNITED STATES DISTRICT JUDGE